

May-5-1981

FILE: MINUTES

DESCRIPTION:

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 5, 1981
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING: The meeting was called to order by Mayor Wilson at 9:00 a.m. The meeting was recessed by Mayor Wilson at 9:04 a.m. into Closed Session in the Twelfth Floor Council Conference Room on meet and confer negotiation and pending litigation. The meeting was reconvened by Mayor Wilson at 10:16 a.m. with Councilmember Williams not present. The meeting was recessed by Mayor Wilson at 12:05 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Wilson at 2:25 p.m. with Councilmember Williams not present. The meeting was adjourned by Mayor Wilson at 5:21 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Wilson-present.

- (1) Councilmember Mitchell-present.
 - (2) Councilmember Cleator-present.
 - (3) Councilmember Golding-present.
 - (4) Councilmember Williams-not present.
 - (5) Councilmember Schnaubelt-present.
 - (6) Councilmember Gotch-present.
 - (7) Councilmember Murphy-present.
 - (8) Councilmember Killea-present.
- Clerk-Mutascio (jb,eb)

May-5-1981 ITEM-300:

FILE: MINUTES

DESCRIPTION:

Clerk Mutascio called the roll:

Mayor Wilson-present.

Councilmember Mitchell-present.

Councilmember Cleator-present.

Councilmember Golding-present.

Councilmember Williams-not present.

Councilmember Schnaubelt-present.

Councilmember Gotch-present.

Councilmember Murphy-present.

Councilmember Killea-present.

May-5-1981 ITEM-310:

DESCRIPTION: (This group will arrive at approximately 9:30_a.m.) Forty-five visitors from JOHN MARSHALL ELEMENTARY SCHOOL will attend this Meeting accompanied by Chuck Lazzaro, Principal. (DISTRICT-3.)

FILE: MEET

COUNCIL ACTION:

(Tape location: A105-125).

Welcomed.

May-5-1981 ITEM-330:

DESCRIPTION: (R-81-) IMPROVEMENT of MIRAMAR ROAD between I-805 and AT&SF

Railway Crossing and EASTGATE MALL between I-805 and Miramar Road by the INSTALLATION of SEWER AND WATER MAINS - on Assessment Roll-3893. (1911 Street Improvement Act) (DISTRICT-1.) Today's action is ADOPTION of a RESOLUTION CONFIRMING THE ASSESSMENT.

FILE: STRT D-2204

COUNCIL ACTION:

(Tape location: H042-066).

Adopted as Resolution R-254131.

Hearing began 5:18 p.m. and halted 5:21 p.m.

MOTION BY MITCHELL TO CLOSE THE HEARING AND ADOPT. Second by Gotch.

Passed by

the following vote: Mitchell-yea. Cleator-not present. Golding-yea.

Williams-not present. Schnaubelt-yea. Gotch-yea. Murphy-not present.

Killea-yea. Mayor Wilson-yea.

May-5-1981 ITEM-332:

FILE:

DESCRIPTION:

(Continued from the Meeting of April 14, 1981; last continued at the City Manager's request.) Amending Chapter X, Article 3, Division 3 of the SAN DIEGO MUNICIPAL CODE by AMENDING SECTION 103.0304.1 of the LA JOLLA SHORES PLANNED

DISTRICT Ordinance by changing the density of TRACT H (approximately 7.0 acres) from the present SINGLE FAMILY (SF) ZONE density of approximately 2 dwelling units per acre to MULTI-FAMILY RESIDENTIAL density of 12 dwelling units per acre in order to permit the construction of 84 condominium units.

The subject property is located on the west side of Gilman Drive, north of the I-5 ramp, and is more particularly described as Tract H, portion of Pueblo Lot 1291 of the Pueblo Lands of San Diego, Miscellaneous Map No. 36, and is within

the boundaries of the La Jolla Shores Precise Plan. (DISTRICT-1.) This matter was considered by the Council on May 13, 1980, at which time the Council directed the Planning Department to further review the La Jolla Shores Precise Plan prior to a hearing before the Council on November 18, 1980, after completion of renoticing. This matter was considered by Council on January 27, 1981, at which time the Council directed the Planning Department, the Planning Groups and the developers to further review the matter in order to reach a compromise.

Subitem-A: (R-81-)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-17 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-80-262)

INTRODUCTION of an ORDINANCE amending Chapter X, Article 3, Division 3 of the San Diego Municipal Code by AMENDING SECTION 103.0304.1 of the LA JOLLA SHORES PLANNED DISTRICT ORDINANCE pertaining to density requirements for TRACT H.

Subitem-C: (R-80-1763)

Adoption of a RESOLUTION AMENDING THE LA JOLLA SHORES PRECISE PLAN.
NOTE:

Hearing open, no testimony taken on 11/18/80. Hearing open, no testimony taken on 12/9/80. Hearing open, testimony taken on 1/27/81. District 7 ineligible. Hearing open, no testimony taken on 4/14/81. District 8 and Mayor not present.

FILE: LAND La Jolla Shores Planned District

COUNCIL ACTION:

(Tape location: A126-C150)

Subitem-A adopted as Resolution R-254128.

Subitem-B introduced as amended to be adopted May 18, 1981.

Subitem-C adopted as Resolution R-254129.

Hearing began at 10:23 a.m. and halted at 11:49 a.m.

Testimony in favor by Paul Peterson.

Testimony in opposition by Kate Adams, Nancy Ward, Ann Smith, Donald Merkin and Janice Zamudio.

MOTION BY CLEATOR TO CLOSE HEARING, ADOPT SUBITEMS-A AND C, AND INTRODUCE

SUBITEM-B AS AMENDED WITH THE PROPOSED CHANGES IN LETTER OF MAY 5, 1981 TO

MAYOR AND CITY COUNCIL FROM ATTORNEYS PAUL A. PETERSON AND JOHN THELAN.

Second by Schnaubelt. Passed by the following vote: Mitchell-nay.

Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-nay.

Murphy-yea. Killea-nay. Mayor Wilson-yea.

May-5-1981 ITEM-333:

DESCRIPTION:

(Continued from the Meetings of December 15, 1980, February 3 and 17 and April 14, 1981; last continued due to lack of 8 votes.) Four Resolutions relative to improving GOLDFINCH STREET between its southerly termination and Spruce Street: (1911 Street Improvement Act.) (Middletown Community area. DISTRICT-8.)

Subitem-A: (R-81-672)

CERTIFYING that the information contained in ENVIRONMENTAL IMPACT REPORT EIR-79-02-35 has been completed in compliance with the California Environmental

Quality Act of 1970 and State guidelines and that said report has been reviewed and considered by the Council.

Subitem-B: (R-81-673)

Adoption of a Resolution ORDERING the WORK and directing NOTICE INVITING BIDS.

Subitem-C: (R-81-)

Adoption of an 8_vote RESOLUTION OF FEASIBILITY.

Subitem-D: (R-81-1072)

Adopting those findings made with respect to ENVIRONMENTAL IMPACT REPORT EIR-79-02-35 as its findings, pursuant to California Public Resources Code Section 21081. NOTE: Hearing open, no testimony taken on 12/15/80. Hearing open, testimony taken on 2/3/81. District 5 and Mayor not present. Hearing open, testimony taken on 2/17/81. District 1 not present. Hearing open, no testimony taken on 4/14/81. District 8 and Mayor not present.

FILE: STRT D-2226

COUNCIL ACTION:

(Tape location: A065-104).

Continued to June 2, 1981, at 10:00 a.m. Time Certain.

Hearing began at 10:16 a.m. and halted at 10:19 a.m.

Testimony in favor of the continuance by Thomas Fiorello.

MOTION BY CLEATOR TO CONTINUE TO JUNE 2, 1981, AT 10:00 A.M. TIME CERTAIN AT

HIS REQUEST. Second by Golding. Passed by the following vote: Mitchell-nay.

Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea.

Murphy-yea. Killea-yea. Mayor Wilson-yea.

May-5-1981 ITEM-334:

DESCRIPTION: (Continued from the Meeting of April 21, 1981; last continued at Councilmember Golding's request.) REZONING a portion of LOT 18, RANCHO MISSION OF SAN DIEGO, MAP-330 (approximately 2.3 acres), located on the north side of Federal Boulevard between Highway 94 and 60th Street, in the Southeast San Diego Community Plan area, from ZONE R-1-5 to ZONE M-1B. (Case-5-81-004. DISTRICT-3.)

Subitem-A: (R-81-1841)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-80-11-18 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-81-215)

INTRODUCTION of an ORDINANCE for M-1B Zoning. NOTE: Hearing open, testimony taken on 4/21/81. District 2 and Mayor not present.

FILE: ZONE 5/5/81

COUNCIL ACTION:

(Tape location: D048-057)

Returned to Planning Department.

MOTION BY CLEATOR TO RETURN TO PLANNING DEPARTMENT FOR REDOCKETING. Second by

Murphy. Passed by the following vote: Mitchell-yea. Cleator-yea.

Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea. Murphy-yea.

Killea-yea. Mayor Wilson-yea.

May-5-1981 ITEM-UC-2:

DESCRIPTION:

(R-81-0000) A Resolution presented to the City Council with UNANIMOUS CONSENT: Declaring Council's opposition to AB 447 as written and submitting amendments presented by the Director, Intergovernmental Relations Department, as modified by Mr. Paul Peterson.

FILE: (MEET)

COUNCIL ACTION: (Tape location: D082-E230).

Adopted as Resolution R-254132.

Motion by Gotch to express Council's approval of AB 447. Second by Mitchell.

Withdrawn.

Motion by Gotch to continue the matter until the De Anza Mobile Park is back on docket. Second by Killea. Defeated by the following vote: Yeas-1, 6, 8. Nays-2, 3, 5, 7, M. Not present-4.

MOTION BY CLEATOR TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-nay. Murphy-yea. Killea-nay. Mayor Wilson-yea.

May-5-1981 ITEM-UC-3:

DESCRIPTION:

(R-81-2079) A Resolution presented to the City Council with UNANIMOUS CONSENT: Declaring that The City of San Diego continues to vigorously support the building of a prison in San Diego on Otay Mesa, but on a site other than the state-owned site; and stands ready to do everything appropriate within its power to assist the Department of Corrections in finding a mutually agreeable site for a prison in the area.

FILE: (MEET)

COUNCIL ACTION: (Tape location: G550-600).

Adopted as Resolution R-254133.

MOTION BY KILLEA TO ADOPT. Second by Golding. Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-yea. Murphy-not present. Killea-yea. Mayor Wilson-yea.

May-5-1981 ITEM-UC-4:

DESCRIPTION:

(R-81-2043 Revised) A Resolution presented to the City Council with UNANIMOUS CONSENT:

Amending the Capital Improvements Program, by amending Document No. 00-15298-1, as amended, by adding Project No. 21-115 entitled "Morley Field South Parking Lot," to the Fiscal Year 1981 Capital Improvements Program; authorizing and directing the Auditor and Comptroller to transfer funds in the sum of \$300,000; authorizing the expenditure of \$200,000, for this project and authorizing use of City Forces.

FILE: (MEET)

COUNCIL ACTION: (Tape location: G600-700).

Adopted as Resolution R-254134.

MOTION BY GOLDING TO ADOPT. Second by Mitchell. Passed by the following vote: Mitchell-yea. Cleator-not present. Golding-yea. Williams-not present. Schnaubelt-yea. Gotch-nay. Murphy-not present. Killea-yea. Mayor Wilson-yea.

May-5-1981 ITEM-CS-1:

DESCRIPTION:

(R-81-2040) A Resolution adopted by the City Council in Closed Session on Tuesday, May 5, 1981:

Authorizing the City Manager to pay the total sum of \$75,000.00 in the settlement of each and every claim against the City of San Diego, Superior Court Case No. 435609, Dwayne R. Clinedinst v. City of San Diego, et al. resulting from the personal injury to Dwayne Clinedinst. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$75,000.00, made payable to Dwayne Clinedinst and his attorney Walter Christensen, in full settlement of the lawsuit and of all claims. Said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

FILE: (MEET) CITY_

COUNCIL ACTION: Adopted as Resolution R-254130.

May-5-1981 ADJOURNMENT:

FILE: MINUTES

DESCRIPTION:

By common consent Mayor Wilson adjourned the meeting at 5:21 p.m.

DESCRIPTION:

(R-81-1847) Authorizing the execution of an AGREEMENT with Ernest W. Hahn, Inc., providing for the SALE and DEVELOPMENT of LOT 16, TORREY PINES SCIENCE PARK NO. 3, consisting of approximately 2.717 acres, for a purchase price of \$1,598,000, which property shall be developed as a CORPORATE HEADQUARTERS; authorizing the MAYOR and CITY CLERK to execute a DEED conveying said property to Ernest W. Hahn, Inc., which Deed shall incorporate the terms and conditions of the Agreement; authorizing payment of a broker's commission of \$38,970 to Pifer and Associates (Robert M. Doss) from the proceeds of the sale; authorizing payment of all related expenses in connection with the sale from the proceeds thereof; declaring that this SALE BY NEGOTIATION is necessary and appropriate to provide the most desirable corporate user of the property and to provide needed employment opportunities to citizens of San Diego. (See City Manager Report CMR-81-157 and PFR Committee Consultant Analysis PFR-81-14. Located on Torrey Pines Road. Torrey Pines Community area. DISTRICT-1.)

COMMITTEE ACTION:

Initiated by PFR on 4/22/81. Recommendation to sell Lot 16 in the Torrey Pines Science Park at Public Auction to the highest bidder. Districts 3, 5 and 6 voted yea. District 7 voted nay. District 2 not present.

FILE: DEED F-850

COUNCIL ACTION: (Tape location: D028-048).

Continued to May 12, 1981, at Mayor's request.

MOTION BY MURPHY TO CONTINUE TO MAY 12, 1981, AT MAYOR WILSON'S REQUEST.

Second by Cleator. Passed by the following vote: Mitchell-yea.
Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-yea.
Gotch-yea. Murphy-yea. Killea-yea. Mayor Wilson-yea.

DESCRIPTION:

(R-81-234) (Continued from the Meetings of September 8 and 22, November 3, 1980, March 9 and April 27, 1981; last continued at Ted Ball's request.)

Declaring that the Council approves in concept the TENTATIVE PLAN for REDEVELOPMENT of the DE ANZA TRAILER HARBOR: 1) The lessee shall prepare a PROGRAM for NOTIFYING all INCOMING RESIDENTS of the De Anza Trailer Harbor that REDEVELOPMENT will be occurring in the future and that the redevelopment may affect the length of residency; 2) The lessee shall prepare a PLAN for the IMMEDIATE IMPLEMENTATION of PUBLIC ACCESS around the De Anza Trailer Harbor; 3) The lessee shall prepare a LONG TERM PLAN for the REDEVELOPMENT of the De Anza Trailer Harbor lease premises for submission to the City Council for its consideration; 4) An appropriate PROPOSED LEASE AMENDMENT shall be negotiated by the CITY MANAGER to carry out the LONG TERM REDEVELOPMENT PLAN; 5) This resolution shall have the sole and exclusive effect of directing the CITY MANAGER to attempt to NEGOTIATE an EQUITABLE and APPROPRIATE LEASE AMENDMENT which can provide for the orderly relocation of the mobile home units from the De Anza area; 6) The City Council, by adopting this resolution, does NOT in any way BIND OR OBLIGATE itself to approve any PROPOSED LEASE AMENDMENTS and is merely by this action approving the CONCEPT of a POTENTIAL PROPOSED LEASE AMENDMENT; and 7) The above PLANS shall be PREPARED and IMPLEMENTED in CONSULTATION with the AFFECTED RESIDENTS, and consideration shall be given to the security, safety, and quiet enjoyment of the affected residents.

(See City Manager Report CMR-80-413. Located at De Anza Point in Mission Bay Park. DISTRICT-6.)

COMMITTEE ACTION:

Reviewed by PFR on 7/24/80. Recommendation to ADOPT the Resolution.

Districts 1, 6 and 7 voted yea. District 2 voted nay. District 8 not present.

FILE: LEAS De Anza Trailer Harbor, Inc.

COUNCIL ACTION: (Tape location: C160-373).

Continued to June 8, 1981 at 2:00 p.m. Time Certain.

MOTION BY GOTCH TO CONTINUE TO JUNE 8, 1981, AT 2:00 P.M. TIME CERTAIN AT ATTORNEY PAUL PETERSON'S REQUEST, WITH ACTION TO BE TAKEN ON AB 447 IN

AFTERNOON COUNCIL MEETING OF MAY 5, 1981 AT MAYOR WILSON'S REQUEST.

Second by Golding. Passed by the following vote: Mitchell-yea.
Cleator-yea. Golding-yea. Williams-not present. Schnaubelt-not present.
Gotch-yea. Murphy-nay. Killea-yea. Mayor Wilson-nay.

DESCRIPTION:

(Continued from the Meetings of January 12 and 26, February 3 and 10, March 23 and April 7, 1981; last continued at the Mayor's request.)

Matter of DISCUSSION relating to the OPERATION of the PARAMEDIC PROGRAM.

(See City Manager Reports CMR-80-573, CMR-80-647 and PSS Committee Consultant Analysis PSS-80-16.)

COMMITTEE ACTION:

Reviewed by PSS on 11/19/80. Districts 1, 2, 6 and 8 voted to forward to full Council with no recommendation. District 3 voted nay. NOTE: Hearing open, testimony taken on 2/10/81. District 7 ineligible.

FILE: MEET

COUNCIL ACTION: (Tape location: E235-G550).

Continued to May 11, 1981, 3:00 p.m. Time Certain.

MOTION BY CLEATOR TO CLOSE THE HEARING AND CONTINUE TO MAY 11, 1981, 3:00

P.M. TIME CERTAIN AT COUNCILMEMBER WILLIAMS' REQUEST. Second by Mitchell.

Passed by the following vote: Mitchell-yea. Cleator-yea. Golding-yea.

Williams-not present. Schnaubelt-yea. Gotch-yea. Murphy-yea.

Killea-yea. Mayor Wilson-yea.